IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.40236 of 2008

1. BIRSEN PRASAD SON OF LAXMI SAH,RESIDENT OF VILLAGE-CHAUGAIN (KURURI), P.S. KARAKAT, DISTRICT- ROHTAS.
2. SANTOSH SAH ALIAS SANTOSH KUMAR, SON OF SHEO NARAYAN PRASAD GUPTA ALIAS SHEOBANSH SAH, RESIDENT OF VILLAGE- SAMBALPUR, P.S. SASARAM MUFFASIL, DISTRICT-ROHTAS, PRESENTLY RESIDING AT AMRA TALAB ALIS APARA TALAB, P.S.- SASARAAAAAAM MUFFASIL, DISTRICT- ROHTAS ; PETITONERS

Versus

THE STATE OF BIHAR; OPPOSITE PARTY

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2 15.10.2008 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in a case under section 387 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the entire case is false and baseless. These petitioners were not named in the first information report. The police after investigation submitted final form. Later on, the protest petition was filed upon which cognizance has been taken. It is further submitted that this case has been filed by the complainant with ulterior motive. Earlier to the present case, the father of petitioner no.2 filed a case under Section 304 B in which cognizance has already been taken. In support of it, annexure-4 has been filed.

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Having regard to the facts and circumstances of the case, in case of arrest or surrender within four weeks within four weeks of receipt of this order, the petitioners named above shall be released on bail on furnishing bail bond of Rs.5,000/- (Five thousand) each with two sureties of the like amount each to the satisfaction of Sri Ram Chandra Prasad, Judicial Magistrate, Bikramganj ,Rohtas in

Complaint Case No. 582/07, Trial No. 4070/2008 subject to conditions as laid down under Section 438(2) Cr .p. C.

B.Jha **(Ghanshyam Prasad)**

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